
By: **Delegates Lee, Anderson, Bohanan, Bronrott, V. Clagett, Cryor, Doory, Dumais, Dwyer, Feldman, Fulton, Goldwater, Gutierrez, Hubbard, Impallaria, Kaiser, Kelley, King, Kirk, Love, Madaleno, McComas, McDonough, McHale, Menes, Montgomery, Murray, Niemann, Petzold, Shank, Simmons, Sossi, Stern, Vaughn, and Walkup**

Introduced and read first time: February 7, 2003
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Computers - Internet Auction Fraud**

3 FOR the purpose of establishing the crime of using an Internet auction listing service
4 or an interactive computer service with the intent to defraud an individual of
5 property, services, or anything of value; providing a certain exception for the
6 person who provides the Internet auction listing service; defining certain terms;
7 providing jurisdiction for prosecution of the crime; and generally relating to the
8 use of an Internet auction listing service to obtain property by theft or fraud.

9 BY adding to
10 Article - Criminal Law
11 Section 8-409
12 Annotated Code of Maryland
13 (2002 Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Criminal Law**

17 8-409.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "INTERNET AUCTION LISTING SERVICE" MEANS A WEBSITE ON THE
21 INTERNET, OR OTHER INTERACTIVE COMPUTER SERVICE THAT IS DESIGNED TO
22 ALLOW OR ADVERTISED AS A MEANS OF ALLOWING USERS TO OFFER PERSONAL
23 PROPERTY OR SERVICES FOR SALE OR LEASE TO A PROSPECTIVE BUYER OR LESSEE
24 THROUGH AN ON-LINE BID SUBMISSION PROCESS USING THAT WEBSITE OR
25 INTERACTIVE COMPUTER SERVICE.

1 (3) (I) "INTERACTIVE COMPUTER SERVICE" MEANS AN INFORMATION
2 SERVICE, SYSTEM, OR ACCESS SOFTWARE PROVIDER THAT PROVIDES OR ENABLES
3 COMPUTER ACCESS BY MULTIPLE USERS TO A COMPUTER SERVER.

4 (II) "INTERACTIVE COMPUTER SERVICE" INCLUDES A SERVICE OR
5 SYSTEM THAT PROVIDES ACCESS TO THE INTERNET.

6 (B) A PERSON MAY NOT KNOWINGLY AND WILLFULLY USE ELECTRONIC
7 COMMUNICATION THROUGH AN INTERNET AUCTION LISTING SERVICE OR AN
8 INTERACTIVE COMPUTER SERVICE:

9 (1) WITH AN INTENT TO DEFRAUD AN INDIVIDUAL OF MONEY, GOODS,
10 SERVICES, OR ANYTHING OF VALUE; OR

11 (2) TO EXERT CONTROL OVER OR OBTAIN AN INDIVIDUAL'S MONEY,
12 GOODS, SERVICES, OR ANYTHING OF VALUE BY MEANS OF DECEPTION.

13 (C) (1) IF THE VALUE OF ALL MONEY, GOODS, SERVICES, AND OTHER
14 THINGS OF VALUE OBTAINED IN VIOLATION OF THIS SECTION EXCEEDS \$500, A
15 PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION
16 IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT
17 EXCEEDING \$10,000 OR BOTH.

18 (2) IF THE VALUE OF ALL MONEY, GOODS, SERVICES, AND OTHER
19 THINGS OF VALUE OBTAINED IN VIOLATION OF THIS SECTION DOES NOT EXCEED
20 \$500, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND
21 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A
22 FINE NOT EXCEEDING \$500 OR BOTH.

23 (D) A PERSON WHO VIOLATES THIS SECTION MAY BE PROSECUTED, INDICTED,
24 TRIED, AND CONVICTED IN ANY COUNTY IN OR THROUGH WHICH THE ELECTRONIC
25 COMMUNICATION ORIGINATED OR TERMINATED.

26 (E) NOTHING IN THIS SECTION APPLIES TO THE PERSON WHO PROVIDES THE
27 INTERNET AUCTION LISTING SERVICE IF THE PERSON DOES NOT EXAMINE, SET THE
28 PRICE, OR PREPARE THE DESCRIPTION OF THE PERSONAL PROPERTY OR SERVICE TO
29 BE OFFERED THROUGH THE LISTING SERVICE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect October 1, 2003.